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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No.3967 of 2007

Petitioner	:	Ganpat Miri S/o. Chintamani Miri, Aged about 34 years, Sarpanch, Village Panchayat, Hataud Vikas Khand & Tehsil - Kasdol, Dist: Raipur - (C.G.)

Versus

Respondents	1.	State of Chhattisgarh Through: The Secretary Panchayat & Gramin Vikas Mantralaya, D.K.S. Bhawan Raipur, Dist: Raipur - (C.G.)
	2.	The Collector, Raipur - (C.G.)
	3.	The Sub Divisional Officer & Presiding Officer, Bilaigarh, Dist: Raipur - (C.G.)
	4.	The Tehsildar, J.R. Verma, Kasdol, Dist: Raipur - (C.G.)
	5.	Mangli Bai W/o Banafar Chouhan, Panch
	6.	Krishn Govind S/o. Babulal Patel, Paunch
	7.	Radhelal S/o. Sukhlal Chouhan, Panch
	8.	Devmati W/o Sukhlal Chouhan, Panch
	9.	Satyanarayan S/o. Melaram Patel, Panch
	10.	Ratanlal S/o. Mahatma Patel, Panch
	11.	Mohanlal S/o Bhavram Satnami, Panch
	12.	Chandra Prakash S/o Punit Ram Patel, Panch
	13.	Rageen Bai W/o Achhelal Patel, Panch
	14.	Yogesh S/o. Khedu Ram Patel, Panch
	15.	Umendram S/o. Latelu Kanwar, Panch
	16.	Santoshi Bai W/o Dhanraj Kewat, Panch
	17.	Kholbehara S/o Mohar Kewat, Panch
	18.	Narmada Bai W/o Kishn Govind Patel, Panch
	19.	Dukuram S/o Uderam patel, Panch
	20.	Rameshwar, S/o Pratap Patel, Panch
	21.	Phool Bai W/o Sukhlal Kanwar,

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Panch

22. Anjor singh S/o Pakla Kanwar, Panch

23. Dhansingh S/o Jagat Paikra, Panch

Respondent no.5 to 23 R/o. Village - Hataund, Vikas Khand & Tehsil - Kashol, Dist: Raipur - (C.G.)

(Writ Petition under Article 226 of the Constitution of India)

Single Bench: Hon'ble Justice Satish K. Agnihotri

Present : Shri Hanuman Prasad Agrawal, Advocate for the petitioner.
Shri Yashwant Singh Thakur, Govt. Advocate for the State/respondents.

ORDER
(Passed on 12nd July, 2007)

By this petition, the petitioner impugns the order dated 17.04.2007 (Annexure P-5) whereby and whereunder the vote of no confidence motion against the petitioner (Sarpanch) was held as passed by 16 votes out of 18 members present in the meeting. The petitioner has further impugned the order dated 06.06.2007 (Annexure P-4) passed by the Additiional Collector, Baloda Bazar, District Raipur whereby and whereunder it was held that the vote of no confidence passed under Section 21(1) of the Panchayat Raj Adhiniyam, 1993 (for short ' the Adhiniyam, 1993') against the Sarpanch petitioner was valid and proper.

2. The facts in nutshell are that the petitioner was elected as Sarpanch of village Hataud, Tehsil & Development Block Kasdol, District Raipur in the election. There are total 20 members, who constitute Gram Panchayat of village Hataud. Out of 20 members, 19 members made a request to the Sub-Divisional-Officer-cum- Prescribed

Authority for initiating proceedings for 'no confidence motion'. The Sub Divisional Officer passed an order dated 17.04.2007, directing to hold the meeting on 30.04.2007 for considering 'no confidence motion' against the petitioner. Accordingly, Tahsildar Kasdol was appointed as Presiding Officer. The meeting took place on 30.04.2007 wherein 18 members participated. Out of 18 member, 16 members voted in favour of 'no confidence motion'. The 'no confidence motion' was declared as passed vide order dated 30.04.2007 (Annexure P-2).

3. Being aggrieved, the petitioner referred the dispute to the Collector under the provisions of Sub Section (4) of Section 21 of the Adhiniyam 1993. The main contention of the petitioner was that the Presiding Officer has considered 3 invalid votes in favour of 'no confidence motion'. The Additional Collector / respondent No.2 after having considered all the facts came to the conclusion that the 'no confidence motion' was conducted in accordance with law and same was passed accordingly.

4. Being aggrieved, the petitioner has filed this petition on the same ground that the count of the votes was defective on account of the fact that 3 invalid votes were counted with other valid votes against the petitioner in favour of 'no confidence motion'.

5. I have heard learned counsel for the petitioner and perused the records. Sub-section (1) of Section 21 of the Adhiniyam, 1993 provides that if 'no confidence motion' is passed by the Gram Panchayat by a resolution passed by majority of not less than three fourth of the panchas present and voting and such majority is more

than two third of the total number of Panchas constituting the Gram Panchayat, the no-confidence motion is carried out legally.

6. Admittedly, there are 20 members in the village Panchayat. In the meeting dated 30.04.2007, 18 members participated and 16 members voted in favour of 'no confidence motion' i.e. more than two third of the total members of Panchas i.e. 20. The Additional Collector has considered all the facts and come to the proper conclusion that the 'no confidence motion' was passed in accordance with the provisions of law. The petitioner does not challenge any other irregularity. The order passed by the Additional Collector does not warrant any interference. The reasoned order passed by the Additional Collector is just and proper.

7. It is well settled principle of law that this Court while exercising its jurisdiction under Article 226 of the Constitution of India has limited jurisdiction to the extent of reviewing the case, in the event, there is perversity, irregularity or illegality in the process of decision, not in the decision itself.

8. In view of the foregoing, the petition is dismissed, summarily.

Sd/-
Satish K. Agnihotri
Judge

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